

## REMARKS

In the Official Action dated August 23, 2005, a restriction was set forth under 35 U.S.C. §121 between:

Group I - Claims 1-3 drawn to a method; and

Group II - Claims 4 and 5 drawn to a binding material.

It is stated in the Official Action that inventions I and II are related as a process of making and a product made and it was asserted that the inventions are distinctive if it can be shown: (1) That the claimed process can be used to make other materially different products, or (2) That the claimed product can be made by another materially different process. Reference was made to the Manual of Patent Examining Procedure, Section 806.05(f). It was further stated in the Official Action that in the instant case the process as claimed can be used to make other materially different products such as curtains or a sheet. Therefore it was considered that the inventions are distinct because they have acquired a separate status in the art as shown by the different classifications and restriction for examination purposes indicated as proper.

In order to be completely responsive, an election is made to Claims 1-3 of Group I. However, the Restriction Requirement is traversed. The fact that the claims may involve different classifications may be suggestive, but hardly is conclusive that a Restriction Requirement is proper. Patent classifications, although reviewed and revised from time to time, are for the convenience of the U.S. Patent and Trademark Office, particularly for searching. But, in the first place, they are not constructed to reflect real life conditions and the undersigned is unaware that from a historic standpoint or at present they were ever intended to be so. In addition, a conscientious Patent Examiner will almost always need to search all of the classifications which may be pertinent and which, in this case, certainly requires that the classifications set forth in the Restriction Requirement be searched. Further, in the Specification

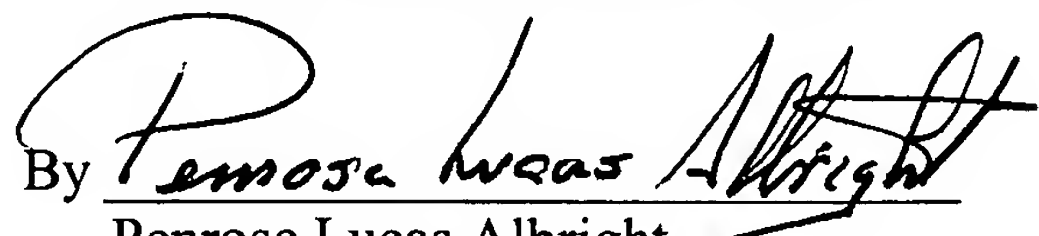
(page 5) it is noted that the binding device can be used on upholstery, window treatments such as cornices, pillows, and other materials requiring binding to finish an edge. Curtains and sheets which the Examiner indicates might incorporate the instant inventions are not mentioned and do not seem to be practicable. But if they are, the existing Claims 1-5 are not limited to edges which are installed on carpets. Accordingly, it is submitted that a Restriction Requirement is not appropriate and the requirement should be withdrawn.

It will be noted that new Claims 6-19 have been added. These are all method claims and therefore fall within the Group I claims of the Restriction Requirement. Also they are all directed to the method of binding an edge of the carpet specifically which is the current primary commercial interest of the inventors. Irrespective, Claims 1-3 which are not restricted to a method of binding an edge of a carpet, per se, remain in the Application. Accordingly, unless prior art may exist of which the inventors are unaware, the Restriction Requirement and the basis for making the Restriction Requirement appears to be inapplicable to the present situation.

By adding independent Claim 6, albeit that the total number of claims remains less than twenty, it appears that an additional fee of \$50.00 is required and our check to cover same is submitted herewith. However, if this is in error, the Commissioner for Patents is authorized to debit or credit our Account No. 13-2000 as appropriate.

Respectfully submitted,

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